

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>12/8/2023</u>
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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OBREIGHT INGRAM,

Plaintiff,

-v-

INTERNATIONAL ASBESTOS REMOVAL,  
INC., CHIRSTOPHER GRANDO,  
KAREN GRANDO, and THOMAS  
HUGHES,

Defendants.  
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**ORDER OF DISMISSAL**

22-CV-10149 (JLC)

**JAMES L. COTT, United States Magistrate Judge.**

WHEREAS, the parties came before me for a settlement conference on November 16, 2023, were represented by experienced counsel, and reached a settlement in principle;

WHEREAS, the parties have now consented to my jurisdiction over this case under 28 U.S.C. § 636(c) for all purposes (Dkt. No. 53); and

WHEREAS, the parties have filed a stipulation in which plaintiff has voluntarily withdrawn and seeks to dismiss with prejudice his claim under the Fair Labor Standards Act (“FLSA”),<sup>1</sup> and the Court has approved and “so ordered” the stipulation after review under *Cheeks v. Freeport Pancake House*, 796 F.3d 199 (2d Cir. 2015) (Dkt. No. 55);

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<sup>1</sup> Of the 11 causes of action alleged in the complaint, only one (the eighth cause of action) invokes the FLSA.

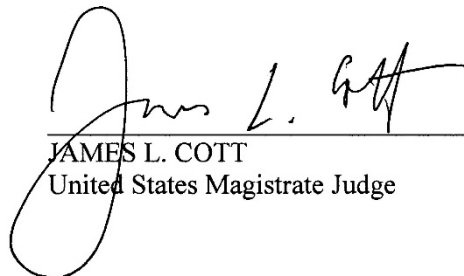
IT IS HEREBY ORDERED that the above-entitled action be and is hereby dismissed and discontinued without costs, but without prejudice to the right to reopen the action within 45 days of the date of this Order if the settlement is not consummated.

To be clear, any application to reopen must be filed within 45 days of the date of this Order; any application to reopen filed thereafter may be denied solely on that basis. Further, if the parties wish for the Court to retain jurisdiction for the purposes of enforcing any settlement agreement, they must submit the settlement agreement to the Court within the same 45-day period to be “so ordered” by the Court.

Any pending motions are moot. The Clerk is directed to close this case.

**SO ORDERED.**

Dated: December 8, 2023  
New York, New York



JAMES L. COTT  
United States Magistrate Judge